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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/049,733
Filing Date	November 8, 2002
First Named Inventor	Yoichi Kawashima
Art Unit	3728
Examiner Name	Jila M. Mohandesi
Attorney Docket Number	388-020198
Total Number of Pages in This Submission	3

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form (1p. in trip.) <input type="checkbox"/> Fee Attached (check, 1 p.) <input type="checkbox"/> Preliminary Amendment <input checked="" type="checkbox"/> Election With Transverse (2 pp.) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 (2pp. in trip.)	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition for Extension of Time (2 pp. in trip.) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Darrell E. Williams, Registration No. 45,222
Signature	<i>Darrell E. Williams</i>
Date	August 26, 2004

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Chris Reichert	Date	August 26, 2004
Signature	<i>Chris Reichert</i>		

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Application No. 10/049,733
Paper dated August 26, 2004
Attorney Docket No. 388-020198



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/049,733
Applicants : Yoichi Kawashima et al.
Filed : November 8, 2002
Title : OPEN INSTILLATION CONTAINER AND
METHOD OF MANUFACTURING THE
CONTAINER
Group Art Unit : 3728
Examiner : Jila M. Mohandesi
Confirmation No. : 4588
Customer No. : 28289

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

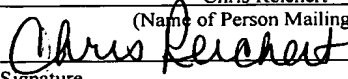
ELECTION WITH TRAVERSE

Sir:

This is in response to the Office Action dated July 26, 2004 in which the Examiner has required a restriction to one of the following invention:

Invention Group I, covering claims 1-5, 10 and 14-15, drawn to an eye drop container; and

Invention Group II, covering claims 6-9, 11-13 and 16, drawn to a method of manufacturing an eye drop container.

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Chris Reichert	
(Name of Person Mailing Paper)	
	August 26, 2004
Signature	Date

Applicants hereby elect for further prosecution the invention of Group I, covering claims 1-5, 10 and 14-15, drawn to an eye drop container.

The Examiner asserts that the inventions of Groups I and II do not relate to a single general inventive concept because the inventions lack the same or corresponding special technical features. Applicants respectfully traverse this Restriction Requirement on the grounds that no serious burden exists on the Examiner by examining claims 1-16 in a single application. When searching and examining the Group I claims, the Examiner will also encounter subject matter set forth in the Group II claims. Therefore, a separate search would not be required. In view of the above, no serious burden exists on the Examiner by examining all of the claims in a single application. Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

Applicants hereby reserve the right to prosecute non-elected claims 6-9, 11-13 and 16 by way of a divisional application filed at a later time. Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this Election.

Respectfully submitted,

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